

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

DAVID SIDOO, et al.,

Defendants

No. 19-CR-10080

MOTION TO FILE DOCUMENT UNDER SEAL AND *EX PARTE*

In response to the Government’s motion for a hearing to address potential conflicts of interest, undersigned counsel wishes to provide the Court with attorney-client privileged information to which the Government is not entitled. When the prosecution asks a court to inquire into the propriety of a representation, pursuant to Federal Rule of Criminal Procedure 44(c), it is appropriate for the court to receive information from the defendant and her counsel on an *ex parte* basis, so as to avoid the defense’s disclosure of attorney-client privileged information to the prosecution. *See, e.g., United States v. Pacheco-Romero*, No. 1:19-cr-00077, 2019 U.S. Dist. LEXIS 61984, at *2 (N.D. Ga. March 22, 2019) (noting that the court’s Rule 44(c) inquiry included an “*ex parte* conference with counsel and defendants”). Accordingly, undersigned counsel respectfully seeks permission to file the unredacted version of Defendant Elizabeth Henriquez’s redacted response, attached hereto as Exhibit A, under seal and *ex parte*.

Undersigned counsel has conferred with the Government regarding this motion, and the Government does not object to counsel’s request to file the unredacted version of Ms. Henriquez’s response under seal and *ex parte*.

Respectfully submitted,

/s/ Aaron M. Katz

Aaron M. Katz (BBO #662457)
Ropes & Gray LLP
800 Boylston Street
Boston, MA 02199
(617) 951-7000
aaron.katz@ropesgray.com

Laura G. Hoey (*pro hac vice*)
Ropes & Gray LLP
191 North Wacker Drive, 32nd Floor
Chicago, IL 60606
(312) 845-1200
laura.hoey@ropesgray.com

Colleen A. Conry (*pro hac vice*)
Ropes & Gray LLP
2099 Pennsylvania Avenue, N.W.
Washington, DC 20006-6807
(202) 508-4600
colleen.conry@ropesgray.com

DATED: June 10, 2019

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Aaron Katz, certify that I conferred with counsel for the Government regarding this motion and that the Government assented.

/s/ Aaron M. Katz
Aaron M. Katz

CERTIFICATE OF SERVICE

I, Aaron Katz, certify that the foregoing motion and accompanying exhibit has been served on all counsel of record via the ECF system.

/s/ Aaron M. Katz
Aaron M. Katz